

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, MAY 15, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *Daniel Garcia v. City of San Diego*
San Diego Superior Court Case No. GIC 844402**

ACA assigned: E. Gordon

This matter involves a personal injury at Bob Kenney Field in Ocean Beach. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

**CS-2 *Insurance Company of the State of Pennsylvania vs. City of San Diego*
United States District Court Case No. 02-CV-0693**

EACA assigned: D. McGrath

This matter relates to AIG insurance carriers bad faith in its duty to defend. In closed session the City Attorney will request the retention of Latham and Watkins and Levine Steinberg, et al. to prosecute bad faith cases.

CS-3 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794

Otay Acquisitions v. City of San Diego

San Diego Superior Court Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

San Diego Superior Court Case Nos. GIC 791407; GIC 805465

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session, the City Attorney will update the Council on the status of these matters and will discuss the need for authorization of additional funding for Latham & Watkins for the defense.

**CS-4 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845**

CA: M. Aguirre

This case was originally filed by SDCERS for declaratory relief regarding whether the City Attorney's office may serve as general counsel for SDCERS. The City Attorney cross-complained against SDCERS for declaratory relief regarding the legality of pension benefits granted under MP I and MP II. In closed session the City Council may take action on the waiver of attorney client privilege on closed session transcripts related to this case.